

PROSECUTOR CHECKLIST FOR FORFEITURE/RETURN OF FIREARMS

Case # _____

Subject's Name _____

Mental Health

W&I: ☐ 8102 ☐ 8103(f) ☐ 8103(g)

☐ Petition received from LEA on _____

☐ Date of subject's release from mental health facility _____ (Petition to be initiated within 30 days of release from mental health facility. Within 60 days if extension granted.)

☐ Date of extension _____

☐ Confirm that subject advised of hearing procedure

Date of LEA notification _____

OR Date of MH facility notification _____

☐ Hearing request received from subject on _____

(Must be within 30 days of notice to subject)

☐ Hearing date _____

Court _____

☐ Case file received from LEA on _____

☐ AFS printout received from _____

Date of AFS printout _____

☐ LEA ☐ Prosecutor

Conducted by _____ (agency rep.)

Seizure At Domestic Violence Incident

☐ PC 273.5 or 273.6 or 243(e)(1)

☐ Date firearms seized _____

☐ Conviction for misdemeanor or felony PC 273.5 or 273.6 or 243(e)(1) ☐ Yes ☐ No

Date _____ Court _____

If convicted, notified LEA to destroy firearms on _____ (date) (PC 12028.5). Any firearms confiscated pursuant to a DV incident and held longer than 12 months shall be destroyed (PC 12028.5(e)) unless active court case or appeal is in progress.

☐ If no conviction, petition filed by LEA to retain firearms on _____ (date) [within 60 days from seizure, 90 days with extension]

☐ Hearing date _____

☐ Firearms ordered returned on _____ (date)

LEA notified to return firearms on _____ (date)

☐ Firearms ordered destroyed on _____ (date)

LEA notified to destroy firearms on _____ (date)

☐ Notified arresting agency to destroy firearms on _____ (date)

☐ Request received from LEA to destroy firearms pursuant to PC 12028.5(f) on _____ (date)

☐ AFS printout received from _____

☐ LEA ☐ Prosecutor

Date of AFS printout _____

Conducted by _____ (agency rep.)

Protective Orders

☐ Protective Order issued pursuant to ☐ PC section _____ ☐ FC section _____ ☐ W&I section _____

☐ Firearms seized on _____ by _____ (agency rep.)

☐ Firearms rights restored on _____

☐ Confirm that subject noticed of rights

Date subject notified by LEA _____

☐ Subject notified of hearing date on _____

(Must be within 30 days of notice to subject)

☐ Hearing date _____

Court _____

☐ Case file received from LEA on _____

☐ AFS printout received from _____

Date of AFS printout _____

☐ LEA ☐ Prosecutor

Conducted by _____ (agency rep.)